

JW/DAC



Dkt. 71511/RSM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Heung Nam HAN, Chang Gil LEE, and Sang Joon KIM
Serial No.: 10/717,334 Group Art Unit: 1725
Filed : November 18, 2003 Examiner: L. Edmondson
For : PROBE FRICTION SHEET WELDING METHOD

1185 Avenue of the Americas
New York, New York 10036
December 14, 2006

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

PETITION TO WITHDRAW HOLDING OF ABANDONMENT OR
IN THE ALTERNATIVE, PETITION FOR REVIVAL

This Petition is submitted in response to a November 27, 2006 Notification Of Abandonment concerning the above-identified application, in which this application was deemed abandoned by failure to respond to a March 13, 2006 Office Action of the U.S. Patent and Trademark Office. Accordingly, this Petition is being promptly filed.

As: (1) the March 13, 2006 Office Action was never received; (2) applicants did not wish the application to be abandoned; and (3) a telephone conference with Examiner L. Edmonson on December 14, 2006 confirmed that a Petition would have to be filed to withdraw the holding of Abandonment, applicants attach the following Exhibits as the showing to

Applicants: Heung-Nam HAN et al.
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establish the nonreceipt of the Office Action:

Exhibit A - Declaration of Richard S. Milner; and

Exhibit B - Declaration of Mark Lazarow.

As required by MPEP §711.03(c), applicants respectfully submit that these Exhibits include: (1) the statement by the practitioner, Richard S. Milner, that the Office Action was not received by the practitioner; (2) the statement by the practitioner that the practitioner searched the file jacket and docket records and that the search indicates that the Office Action was not received; and (3) a copy of the docket records where the non-received Office Action would have been entered had it been received and docketed.


Accordingly, applicants respectfully request that the holding of abandonment be withdrawn and that the period for response to the Office Action be reset without any petition fee or other fee being required, since applicants were not at fault, having not received the Office Action or been aware of its issuance until receipt of the November 27, 2006 Notification Of Abandonment.

In the alternative should the U.S. Patent and Trademark Office deem that a Petition For Revival be required, applicants hereby petition for such relief and authorize the fee in connection therewith be charged to Deposit Account 03-3125.

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No fee is deemed necessary in connection with the filing of this Petition. However, in the event any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,


Richard S. Milner
Registration No. 33,970
Attorney for Applicants
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400

I hereby certify that this paper is being deposited this date with the U.S. Postal Service as first class mail addressed to: Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

 14 December 2006
Richard S. Milner Date
Reg. No. 33,970



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New York, New York 10036
December 14, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

DECLARATION OF RICHARD S. MILNER

I, Richard S. Milner, hereby declare that:

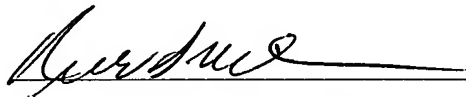
1. I am currently, and have been since 1998, a partner at the firm of Cooper & Dunham LLP, 1185 Avenue of the Americas, New York, New York 10036 ("Cooper & Dunham"), and have been admitted to practice before the United States Patent and Trademark Office ("USPTO") since 1989.
2. I have responsibility for the above-identified application, which I filed on November 18, 2003.
3. As the practitioner responsible for this application, I have no recollection of having received the Office Action from the USPTO prior to receiving the Notification Of Abandonment on November 30, 2006. A copy of the Notification is attached as

Exhibit 1.

4. As the practitioner responsible for this application, I have also searched the file jacket and docket records and my search indicates that no Office Action was received prior to receiving the Notification Of Abandonment on November 30, 2006.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

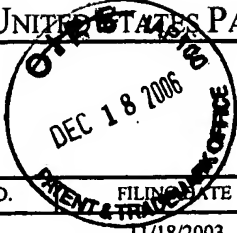
Date: December 14, 2006


Richard S. Milner



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov



APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/717,334

11/18/2003

Heung-Nam Han

71511/RSM

8281

7590

11/27/2006

Richard S. Milner
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, NY 10036

EXAMINER

EDMONDSON, LYNNE RENEE

ART UNIT

PAPER NUMBER

1725

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



2424/71511

RSM

Notice of Abandonment

Application No.

10/717,334

Examiner

Lynne Edmondson

Applicant(s)

HAN ET AL.

Art Unit

1725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 13 March 2006.
- (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____. DOCKET CLERK
- (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
- (d) ☒ No reply has been received.
- Petition to Revive: 1/27/07 in*
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
- (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
- (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
- (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
- (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

Lynne Edmondson
Primary Examiner
Art Unit: 1725*11/27/07*

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



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December 14, 2006

Commissioner for Patents
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Alexandria, Virginia 22313-1450

Sir:

DECLARATION OF MARK LAZAROW

I, MARK LAZAROW, hereby declare that:

1. I am currently, and have been since December 12, 2005, employed at Cooper & Dunham LLP as a docketing clerk, and since December 19, 2005 have been in charge of the docketing department.
2. Since the start of my employment at Cooper & Dunham, each person employed in our docketing department has been trained to follow, and to my knowledge follows, our procedures for processing mail received from the United States Patent and Trademark Office ("PTO"), as described below.
3. At least during my employment at Cooper & Dunham LLP, it has been, and is, the procedure of the docketing department to obtain all mail received from the PTO directly from the Cooper

& Dunham mailroom as soon as the mail is received from the Post Office. Such mail is processed by our docketing department in the manner described below on the same day or, if the mail is received late, on the next business day.

4. For each item of mail received from the PTO, the procedure of our docketing department is as follows: (a) stamp the date of receipt of the item on the first page of the item; (b) identify the attorney responsible for handling prosecution of the application, and, if the attorney is not the addressee of the item of mail, write the initials of the attorney who is responsible at the top-right corner on the first page of the item; (c) make a photocopy of at least the first page of the item and place the photocopy in the hard copy files of the docketing department; (d) determine the type of action of the item received and enter the action type in the docket record for the corresponding application in our computer docketing system; (e) determine the due date of any action that must be taken, such as responding to an Office Action, and if any such actions are required, enter in the docket record the due dates for the corresponding actions; and (f) place the item directly in the in-tray of the appropriately identified attorney.
5. Attached hereto as **Exhibit 1** is a copy of a printout from our computer docketing system of our docket record for the subject application.
6. As shown in Exhibit 1, a number of actions were docketed in connection with the subject application, including an entry for the August 22, 2005 Office Action received from the PTO and the corresponding due date entered by the docketing

department as November 22, 2005 ("22NO2005"). Also shown is the date the Response to the Office Action was submitted to the PTO, that is, December 21, 2005 ("21DE2005"). The only other document received from the PTO after the August 22, 2005 Office Action for the subject application is the November 27, 2006 Notice Of Abandonment. The corresponding due date for a "PETITION TO REVIVE" was entered by the docketing department as January 27, 2007 ("27JA2007").

7. As shown in Exhibit 1, no actions were docketed by the computer docketing system as being due in 2006 before receipt of the November 27, 2006 Notice Of Abandonment in connection with the subject application.
8. Under my instructions and supervision, our docketing department's hard copy files (described in Paragraph 4 herein) for at least the period between March 13, 2006 and April 13, 2006, were searched for the March 13, 2006 Office Action that was purportedly mailed from the PTO in connection with the subject application. The March 13, 2006 Office Action was not found amongst these pages.
9. In my employment at Cooper & Dunham, I do not recall an instance where a substantive Office Action from the Patent Office has taken longer than thirty days from the mailing date to be received by the law firm.
10. Attached hereto as **Exhibit 2** is a copy of a printout from our computer docketing system indicating all of the dockets which had a due date of June 13, 2006.
11. Each entry includes an "Action Description" which indicates

the reason for the entry. Entries for a response to a United States Patent and Trademark Office ("USPTO") Office Action are entered into our computer docketing system with the "Action Description" of "RESPONSE DUE".

12. As shown on the printout, no response to a USPTO Office Action for this application ("App. No. 10/717,334") was indicated as being due on June 13, 2006.

Based on the above, it is my belief that Cooper & Dunham LLP never received the March 13, 2006 Office Action from the USPTO in connection with the subject application since an entry for the response date of June 13, 2006 for the Office Action would have been entered in this application's computer docketing record and would have appeared as an entry in Exhibits 1 and 2, and a copy of the first page of the Office Action would have been located in our hard-copy files.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: December 14, 2006



Mark Lazarow

12/11/2006

Patent Information Print

Docket No	71511	Application #	10/717334
Country	United States	Application Dt	18NO2003
Case Type	REGULAR CASE TYPE	Patent No	
Relation Type	ORIGINAL OR PATENT CASE	Grant Dt	
Filing Type	NATIONAL CASE	Publication #	2005-0072832A1
Filing No		Publication Dt	07AP2005
Attorney	RICHARD S. MILNER	Assigned	ASSIGNMENT RECORDED
Agent		Expiration Dt	
Client\Division	SC HONG KONG PATENT AND LAW	Conv Type	
Current Owner	HONG & LEE & PARTNERS INTERN	Tax Base Dt	
Prev Own		Next Tax Dt	
Status	Filed	Associate	
First Filing Dt	18NO2003	Oper Grp	
Sub Stat		Ag Ref No	
Sub Stat Dt		Verified	N
Parent Country		Customer	D4PP
Parent Filing Dt		Create Dt	21NO2003
Parent No		Update Dt	30NO2006
Parent Grant Dt		Update Tm	1047
Total Claims		Update User	MAL
Ind. Claims		Update Type	

Actions

Action	CHECK DECL./REFUND(if needed	Comp Dt
Act Due Date	18JA2004	Resp Atty #1
Taken Dt		Resp Atty #2
DeadLn Dt		
Action	INFORMATION DISCLOSURE STATE	Comp Dt
Act Due Date	18FE2004	Resp Atty #1
Taken Dt		Resp Atty #2
DeadLn Dt		
Action	FILE ASSIGNMENT	Comp Dt
Act Due Date	18FE2004	Resp Atty #1
Taken Dt	18NO2003	Resp Atty #2
DeadLn Dt		
Action	8mo FOREIGN FILING REMINDER	Comp Dt
Act Due Date	18JL2004	Resp Atty #1
Taken Dt		Resp Atty #2
DeadLn Dt		
Action	10mo FOREIGN FILING REMINDE	Comp Dt
Act Due Date	18SE2004	Resp Atty #1
Taken Dt		Resp Atty #2
DeadLn Dt		
Action	11mo FOREIGN FILING REMINDER	Comp Dt
Act Due Date	18OC2004	Resp Atty #1
Taken Dt		Resp Atty #2
DeadLn Dt		
Action	12mo FOREIGN FILING DEADLINE	Comp Dt
Act Due Date	18NO2004	Resp Atty #1
Taken Dt		Resp Atty #2
DeadLn Dt		
Action	ESTIMATED PUBLICATION DT	Comp Dt
Act Due Date	18MY2005	Resp Atty #1
Taken Dt		Resp Atty #2
DeadLn Dt		
Action	1st OA - 3 MONTH RESPONSE DU	Comp Dt
Act Due Date	10JE2005	Resp Atty #1
Taken Dt	10JE2005	Resp Atty #2
DeadLn Dt		
Action	2nd OA - 3 MONTH RESPONSE DU	Comp Dt
Act Due Date	22NO2005	Resp Atty #1
Taken Dt		Resp Atty #2
DeadLn Dt		
Action	2nd OA - 4 MONTH RESPONSE DU	Comp Dt
Act Due Date	22DE2005	Resp Atty #1
Taken Dt	21DE2005	Resp Atty #2
DeadLn Dt		
Action	PETITION TO REVIVE DUE	Comp Dt
Act Due Date	27JA2007	Resp Atty #1
Taken Dt		Resp Atty #2
DeadLn Dt		
Action	Response to 1st OA filed	Comp Dt
Act Due Date		Resp Atty #1

Taken Dt 10JE2005 Resp Atty #2
DeadLn Dt

Action Reponse 2nd OA filed Comp Dt
Act Due Date Resp Atty #1
Taken Dt 21DE2005 Resp Atty #2
DeadLn Dt

Action NOTICE OF ABANDONMENT Comp Dt
Act Due Date Resp Atty #1
Taken Dt 27NO2006 Resp Atty #2
DeadLn Dt

Action FILING RECEIPT RECEIVED Comp Dt
Act Due Date Resp Atty #1
Taken Dt 23FE2004 Resp Atty #2
DeadLn Dt

Inventors

Inv Name HEUNG NAM HAN, et al> Assigned

Title

Title
IMPROVEMENT IN PROBE FRICTION SHEET WELDING METHOD

PCMASTER REPORTER

MASTER FILE REPORT

Action Due Attorney	App No	Docket No.	Action Description
13JE2006	11/375668	75259	INFORMATION DISCLOSURE STATEMENT
13JE2006	11/375668	75259	FILE ASSIGNMENT
13JE2006	11/195467	74678	EXT. FOR RESP TO RESTRICTION REQMT
13JE2006	11/271272	75488	NOTICE MISSING PARTS - 4th ext
13JE2006	60/781978	75691-PRO4	FILE ASSIGNMENT
13JE2006	60/782132	76065-PRO	FILE ASSIGNMENT
13JE2006	60/782131	76066-PRO	FILE ASSIGNMENT
13JE2006	10/083211	66118	3rd OA - 3 MONTH RESPONSE DUE
13JE2006	10/493334	72339	IDS-BASED ON SEARCH REPORT
13JE2006	10/925461	72811	1st OA - 3 MONTH RESPONSE DUE
13JE2006	11/290309	70993-A	1st OA - 3 MONTH RESPONSE DUE
13JE2006	11/151089	74220	12mo FOREIGN FILING DEADLINE
13JE2006	08/103094	43910	3RD MAINTENANCE FEE DUE
13JE2006	2257991	51320-A-PCT-CN	ANNUITY
13JE2006	92917380.5	38586-A-PCT-EPO	DEADLINE FOR RESPONSE DUE
13JE2006	97913997.9	50534-B-PCT-EPO	INSTRUCTIONS
13JE2006	01968382-0	62166-A-PCT-EPO	DEADLINE FOR RESPONSE DUE
13JE2006	02746870.1	65175-A-PCT-EPO	DEADLINE FOR RESPONSE DUE
13JE2006	96943539.5	39699-D-PCT-EPO	FEES DUE
13JE2006	96943539.5	39699-D-PCT-EPO	REMINDER
13JE2006	03025867.7	65021-Z-PCT-EPO	REMINDER
13JE2006	504097/95	43172-A-PCT-JP	RESPONSE DUE
13JE2006	509330/94	44444-B-PCT-JP	DEADLINE FOR RESPONSE DUE
13JE2006	530656	71506-B-PCT-NZ	INSTRUCTIONS
13JE2006	11/375549	43016-AA-PCT-US	INFORMATION DISCLOSURE STATEMENT
13JE2006	09/904356	43966-CB	REPORT OFFICE ACTION
13JE2006	09/724105	51320-A-A	NOTICE OF APPEAL DUE - 6TH MO.
13JE2006	10/799264	52427-AA	NOTICE OF APPEAL DUE - 3RD MO.
13JE2006	10/799264	52427-AA	RESPONSE TO FINAL REJ. - 3rd MO
13JE2006	10/658991	58075-Z	1st OA - 5 MONTH RESPONSE DUE
13JE2006	10/568396	67489-PCT-US	FILE ASSIGNMENT
13JE2006	10/568396	67489-PCT-US	FILE ASSIGNMENT
13JE2006	60/758892	75162-PRO	INFORMATION DISCLOSURE STATEMENT
13JE2006	60/758795	75164-PRO	FILE ASSIGNMENT
13JE2006	10/301041	66309-A	RESPONSE TO FINAL REJ. - 5th MO
13JE2006	73693/91	25816-A-AS	LATE ANNUITY DATE
13JE2006	PCT/US06/13703	74262-PCT	IB 301 RECORD COPY
13JE2006	10/873716	63318-C	RESPONSE TO FINAL REJ. - 3rd MO
13JE2006	10/116345	67100	1st OA - 6MO FINAL DEADLINE